
ENGROSSED SUBSTITUTE SENATE BILL 5330

State of Washington

66th Legislature

2019 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Braun, Van De Wege, Takko, Short, Becker, Rivers, Wagoner, and Warnick)

READ FIRST TIME 02/08/19.

1 AN ACT Relating to analyzing state regulatory impact on small
2 forestland owners; creating a new section; and providing an
3 expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) Small forestland owners own and manage
6 approximately three million two hundred thousand acres of
7 Washington's forestlands and exert a tremendous influence on public
8 resources, including fish bearing streams, water quality, air,
9 wildlife habitat, and carbon sequestration.

10 (2) Adoption of the forests and fish report was made possible, in
11 part, by the agreement of small forestland owners who supported the
12 intent of the law despite significant economic impacts to some
13 members of the small forestland owner community. Twenty years after
14 the adoption of the forests and fish report, it is time to evaluate
15 how the increased regulations have impacted small forestland owners
16 and their land.

17 (3) When the forests and fish report was adopted, the legislature
18 enacted RCW 76.13.100 as follows:

19 "(1) The legislature finds that increasing regulatory
20 requirements continue to diminish the economic viability of small
21 forest landowners. The concerns set forth in RCW 77.85.180 about the

1 importance of sustaining forestry as a viable land use are
2 particularly applicable to small landowners because of the location
3 of their holdings, the expected complexity of the regulatory
4 requirements, and the need for significant technical expertise not
5 readily available to small landowners. The further reduction in
6 harvestable timber owned by small forest landowners as a result of
7 the rules to be adopted under RCW 76.09.055 will further erode small
8 landowners' economic viability and willingness or ability to keep the
9 lands in forestry use and, therefore, reduce the amount of habitat
10 available for salmon recovery and conservation of other aquatic
11 resources, as defined in RCW 76.09.020.

12 (2) The legislature finds that the concerns identified in
13 subsection (1) of this section should be addressed by establishing
14 within the department of natural resources a small forest landowner
15 office that shall be a resource and focal point for small forest
16 landowner concerns and policies. The legislature further finds that a
17 forestry riparian easement program shall be established to acquire
18 easements from small landowners along riparian and other areas of
19 value to the state for protection of aquatic resources. The
20 legislature further finds that small forest landowners should have
21 the option of alternate management plans or alternate harvest
22 restrictions on smaller harvest units that may have a relatively low
23 impact on aquatic resources. The small forest landowner office should
24 be responsible for assisting small landowners in the development and
25 implementation of these plans or restrictions."

26 (4) The twentieth anniversary of the adoption of the forests and
27 fish report into law presents an optimal time to review how the
28 state's regulatory actions, intended to benefit both landowners and
29 habitat, have affected small forestland owners. How have programs
30 intended to make up for the disproportionate economic impact been
31 implemented? What can the legislature do to keep small forestland
32 owners on the landscape, so their land will be available for salmon
33 habitat and water quality rather than converted?

34 (5) (a) The school of environmental and forest sciences within the
35 college of the environment at the University of Washington must
36 complete a trends analysis.

37 (b) The trends analysis must address, at a minimum, the following
38 questions:

39 (i) Have the number of small forestland owners increased or
40 decreased?

1 (ii) (A) Has the acreage held by small forestland owners increased
2 or decreased?

3 (B) Of the land no longer owned by small forestland owners, what
4 percentage was converted to nonforest use, became industrial
5 forestland, trust land, or some other use?

6 (c) (i) The school of environmental and forest sciences at the
7 University of Washington, using the data from the trends analysis and
8 other pertinent information, must:

9 (A) Determine which factors contributed to small forestland
10 owners selling their land;

11 (B) Recommend actions the legislature can take to help keep
12 forestland working; and

13 (C) Assess the effectiveness and implementation of the programs
14 created in RCW 76.13.100(2) which described three programs to assist
15 small forestland owners and mitigate the disproportionate economic
16 impact. The assessment must include:

17 (I) Evaluating the effectiveness of the small forest landowner
18 office: Does it have adequate resources and authority to successfully
19 address landowner concerns? Has it received adequate funding to
20 implement fully the duties as assigned through RCW 76.13.110?

21 (II) Forest riparian easement program: Does the structure of the
22 program adequately address economic impact to small forestland
23 owners? Has funding kept up with need? Has the lack of funding
24 resulted in the loss of riparian habitat?

25 (III) Have meaningful alternate management plans or alternate
26 harvest restrictions been developed for smaller harvest units?

27 (IV) Has the family forest fish passage program addressed
28 economic impact to landowners and fish passage barriers adequately?

29 (ii) Would meaningful alternate harvest restrictions reduce the
30 financial burden on the forest riparian easement program?

31 (iii) How can the legislature incentivize small forestland owners
32 to maintain their land as forestland?

33 (iv) Could a program be developed to facilitate small forestland
34 owner's participation in carbon markets?

35 (6) The University of Washington may reach out to a broad variety
36 of stakeholders for input.

37 (7) The policy analysis must use the trends analysis, the
38 regulatory impact analysis, and other data to provide recommendations
39 on ways the forest practices board and the legislature can provide
40 more effective incentives to encourage continued management of

1 nonindustrial forests for forestry uses, including traditional timber
2 harvest uses, open space uses, or as part of developing carbon market
3 schemes.

4 (8) The University of Washington must report the results of the
5 trends analysis and policy analysis to the appropriate committees of
6 the legislature and the forest practices board by November 1, 2020,
7 with recommendations to improve mitigation measures for small
8 forestland owners and improve retention of working forestland held by
9 small forestland owners.

10 (9) This section expires December 31, 2020.

--- END ---